

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**ELECTROLUX HOME PRODUCTS, INC.**

10200 David Taylor Drive  
Charlotte, NC 28262

Plaintiffs,

v.

**APPLIANCES DEPOT, LLC,**

d/b/a Koolzone USA Appliances Outlet,  
20929 Gratiot Ave, Eastpointe,  
MI 48021

and

**OUMAIMA AL-SAMAD**

8105 Riverview Street  
Dearborn Heights, MI 48127

and

**OMAR CHIBIB**

8105 Riverview Street  
Dearborn Heights, MI 48127

Defendants.

Case No. 2:13-cv-10256

Judge: Patrick J. Duggan

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**SHUMAKER, LOOP & KENDRICK, LLP**

Gregory H. Wagoner (P63981)

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**FARHAT & ASSOCIATES, PLLC**

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DEPOT, LLC, AL-SAMAD and CHIBIB

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**DEFENDANTS' AFFIRMATIVE DEFENSES**

**NOW COME** the Defendants, APPLIANCES DEPOT, LLC, OUMAIMA AL-SAMAD and OMAR CHIBIB by and through their counsel Helal A. Farhat, and for their Affirmative Defenses state the following:

1. Plaintiffs' Complaint is barred because it fails to state a claim upon which relief can be granted.
2. Plaintiff has failed to mitigate their damages.
3. Plaintiff's losses, if any, were caused in whole or in part by its own negligent business practices and/or willful mismanagement.
4. That Plaintiff's claims are barred by waiver and estoppel.
5. Defendants reserve the right to add additional defenses and/or affirmative defenses should discovery or investigation reveal the factual basis therefore.
6. Defendants hereby reserve the right to amend its pleadings, amend and add other pleadings, or delete these affirmative defenses, plead and file other pleadings and do such other things as they may find necessary.

**WHEREFORE**, Defendants, APPLIANCES DEPOT, LLC, OUMAIMA AL-SAMAD and OMAR CHIBIB respectfully request that this Court deny Plaintiff's requested relief; grant Defendants reasonable attorney fees; grant any other relief as the Court may deem appropriate.

Respectfully submitted,

Dated: March 13, 2013

/s/ Helal A. Farhat  
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**CERTIFICATE OF SERVICE**

I certify that on March 20, 2013, I electronically filed the foregoing Affirmative Defenses with the Clerk of the court using the ECF system which will send notification of such filing to the following: Gregory H. Wagoner (P63981)

/s/ Helal A. Farhat  
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